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August 12, 2020

FILED BY ECF ONLY

The Hon. Ann Marie Donio, U.S.M.J.
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets, Room 1050
Camden, NJ 08108

**Re: *Joseph McDevitt v. Borough of Clementon, et. al.*
Civil Docket No.: 18-CV-17092**

Dear Judge Donio:

This Firm represents Joseph McDevitt (“Plaintiff”) in the matter above. But I write here in concert with Messrs. Madden, Birchmeier, Long, and Grady who collectively represent the Defendants. We are all requesting, as your Honor has invited many times, a settlement conference (even if virtual) *as soon as the Court is available*.

This is admittedly an intricate case, and the Parties have made substantial inroads to discussing potential parameters of *non-economic* aspects of resolution (which were previously a barrier towards a second step of discussions about a monetary resolution). The Parties just for example, along with having many conference calls, participated in an unorthodox (and good-faith) in-person meeting with the Mayor of Clementon Borough (spanning several hours). This was very productive (and was self-mediated by all then-noticed counsel).

To date, the Parties through counsel have exchanged voluminous written discovery. The current discovery deadline is November 13, 2020. If this case does not settle, the Parties will take about 15-20 depositions collectively and engage experts. The Parties have temporarily agreed to stay any further discovery pending a settlement conference and hope that one can take place before Your Honor in the not-too-distant future. We also remain hopeful that turning on Your Honor’s availability, this Court may temporarily stay discovery more formally pending the outcome of a settlement conference (to readdress a different schedule afterward, if necessary).

Lastly, regardless of date of settlement conference, the Parties are requesting that Your Honor permit counsel to each submit a settlement memorandum not exceeding 5 pages. These memoranda may be submitted confidentially for your eyes only, or circulated among counsel. The Parties believe that a succinct merit-based outline along with the potential settlement terms would greatly aid (case clarity and) in expediting the ultimate settlement conference.

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On behalf of all Parties, we very much appreciate Your Honor's continued oversight and consideration of this request.

Respectfully submitted,

KARPF, KARPF & CERUTTI, P.C.

Ari R. Karpf

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cc: Michael V. Madden, Esq. (by ECF only)
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